

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A construction machine comprising:

an upper rotating body mounted rotatably on a lower traveling body;

an engine and hydraulic device disposed in the upper rotating body;

heat exchanger disposed in the upper rotating body to cool said engine and said hydraulic device, said upper rotating body having a maintenance passage for maintenance of the engine and the hydraulic device, with an intake port and an exhaust port being formed in said maintenance passage, wherein said engine is not located in said maintenance passage;  
and

a cooling device disposed face to face with said intake port to send air to said heat exchanger,

wherein said cooling device, said heat exchanger, said engine and said maintenance passage are arranged such that at least a portion of the air sent to said heat exchanger by said cooling device is exhausted through said maintenance passage without passing said engine.

Claim 2 (Original): The construction machine according to claim 1, wherein said maintenance passage is formed by both a front partition wall and a rear partition wall disposed on a rotating frame of said upper rotating body.

Claim 3 (Original): The construction machine according to claim 2, further comprising:

a lid adapted to close an upper opening portion of said maintenance passage located near said heat exchanger, with an exhaust air duct being constituted by closing of said lid.

Claim 4 (Original): The construction machine according to claim 2, further comprising:

a lid adapted to close the whole of an upper opening of said maintenance passage, with an exhaust air duct being constituted by closing of said lid.

Claim 5 (Original): The construction machine according to claim 3, wherein said lid is supported openably.

Claim 6 (Original): The construction machine according to claim 4, wherein said lid is supported openably.

Claim 7 (Original): The construction machine according to claim 3, further comprising:

a noise insulating material attached to a surface of any one of said front partition wall for said maintenance passage, said rear partition wall for said maintenance passage, and said lid.

Claim 8 (Original): The construction machine according to claim 4, further comprising:

a lateral door provided openably in an entrance/exit of said maintenance passage which corresponds to a terminal end of said exhaust air duct.

Claim 9 (Original): The construction machine according to claim 8, wherein said exhaust port is formed in either said lateral door or said lid.

Claim 10 (Original): The construction machine according to claim 1, wherein said heat exchanger comprises a radiator for cooling said engine and an oil cooler for cooling hydraulic oil.

Claim 11 (Original): The construction machine according to claim 10, wherein said radiator and said oil cooler are arranged side by side, and said cooling device comprises a first cooling means for sending air to said radiator and a second cooling means for sending air to said oil cooler, and said cooling device is constructed in such a manner that exhaust air from either said first or said second cooling means passes through said maintenance passage.

Claim 12 (Original): The construction machine according to claim 1, wherein said engine is disposed in the width direction of said upper rotating body and said maintenance passage is formed in parallel with and in front of or behind said engine.

Claim 13 (Original): The construction machine according to claim 1, wherein said maintenance passage is formed so as to extend across said upper rotating body.